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**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled GLAUCOMA IMPLANT KIT; the specification of which was filed on February 19, 2004.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Application No.: **09/549,350**

Filing Date: **04/14/00**

Status: **pending**

Application No.: **10/395,627**

Filing Date: **03/21/03**

Status: **pending**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of first inventor: **Hosheng Tu, Ph.D.**

Inventor's signature Hosheng Tu

Date 2-26-2004

Residence: **Newport Coast, CA 92657**

Citizenship: **United States**

Post Office Address: **26061 Merit Circle, Suite 101  
Laguna Hills, CA 92653**

Full name of second inventor: **David Haffner**

Inventor's signature David Haffner

Date FEB 26, 2004

Residence: **Mission Viejo, CA 92692**

Citizenship: **United States**

Post Office Address: : **26061 Merit Circle, Suite 101  
Laguna Hills, CA 92653**

Full name of third inventor: **Morteza Gharib**

Inventor's signature Morteza Gharib

Date Feb 26, 2004

Residence: **San Marino, CA**

Citizenship: \_\_\_\_\_

Post Office Address: **26061 Merit Circle, Suite 101  
Laguna Hills, CA 92653**

Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

GLAUKO.1C2C2



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hosheng Tu, Ph.D. , et al. )  
App. No. : Unknown )  
Filed : February 19, 2004 )  
For : GLAUCOMA IMPLANT KIT )  
Examiner : Unknown )

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected

App. No. : Unknown  
Filed : February 19, 2004

herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

GLAUKOS CORPORATION

Dated: 2/26/04

By: Thomas W. Burns  
Thomas W. Burns

Title: Chief Executive Officer

Address: 26061 Merit Circle, Suite 101  
Laguna Hills, CA 92653

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Application No.: Unknown  
Filing Date: February 19, 2004

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PATENT  
Client Code: GLAUKO.1C2C2  
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### ASSIGNMENT

WHEREAS, We, Hosheng Tu, Ph.D., a United States citizen, residing at Newport Coast, CA 92657, David Haffner Mission Viejo, CA 92692; Morteza Gharib, San Marino, CA, have invented certain new and useful improvements in a GLAUCOMA IMPLANT KIT for which we have filed an application for Letters Patent in the United States, Application No.: Unknown, filed on February 19, 2004.

AND WHEREAS, GLAUKOS CORPORATION (hereinafter "ASSIGNEE"), a Corporation, with its principal place of business at 26061 Merit Circle, Suite 101, Laguna Hills, CA 92653, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, his successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, his successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, his successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, his successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 26th day of February, 2004

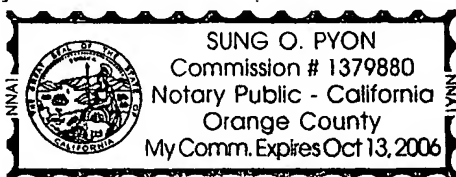
Hosheng Tu  
Hosheng Tu, Ph.D.

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } ss.

On FEB. 26, 2004, before me, SUNG O. PYON, personally appeared Hosheng Tu, Ph.D. ~~personally known to me (or~~ proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(~~ies~~), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



[Signature]  
Notary Signature

Application No.: Unknown  
Filing Date: February 19, 2004

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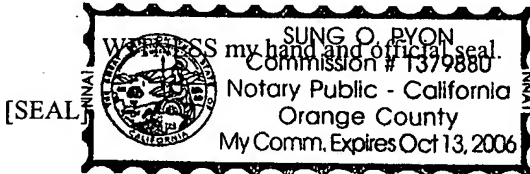
PATENT  
Client Code: GLAUKO.1C2C2  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 26<sup>th</sup> day of February, 2004

David Haffner  
David Haffner

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } ss.

On FEB. 26, 2004, before me, SUNG O. PYON, personally appeared David Haffner ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



[Signature]  
Notary Signature

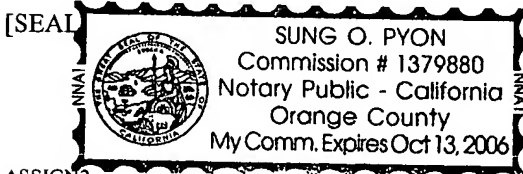
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 26 day of February, 2004

Morteza Gharib  
Morteza Gharib

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } ss.

On FEB. 26, 2004, before me, SUNG O. PYON, personally appeared Morteza Gharib ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



[Signature]  
Notary Signature

ASSIGN2  
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